

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:21-cr-24
	§	
ZAHRA BADRI	§	

**THE UNITED STATES’ MOTION TO DISMISS THE INDICTMENT AGAINST THE
DEFENDANT ZAHRA BADRI**

The United States of America, by and through the undersigned attorneys, respectfully submits this motion to dismiss, without prejudice, the indictment in the above-captioned matter, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

On January 13, 2021, a Grand Jury in the Southern District of Texas returned an indictment charging the defendant with one count of violating Title 18, United States Code, Section 116(d) (2013), Female Genital Mutilation (FGM) for transporting a minor female outside the United States for the purpose of FGM.

The government was recently made aware of new medical evidence which calls into question the government’s ability to meet its burden of proving beyond a reasonable doubt that the defendant’s alleged conduct meets the elements under the statute in effect at the time as it relates to “circumcising, excising, and infibulating the whole and any part of the labia majora, labia minora and clitoris.”¹ The government remains committed to the prosecution of those who practice and facilitate the illegal and harmful practice of FGM, where the evidence supports such charges.

¹ The FGM statute was amended in 2021 and now also criminalizes “other procedures that are harmful to the external female genitalia, including pricking, incising, scraping, or cauterizing the genital area.” 18 U.S.C. § 116(e)(4).

Accordingly, in the interest of justice the government respectfully requests that the Court dismiss the indictment without prejudice pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

DATED: September 29, 2023

Respectfully submitted,

/s

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ORDER

Having considered the Government's Motion to Dismiss Pursuant to Federal Rule of Criminal Procedure 48(a) in the above captioned-case, the Court, after careful consideration and review, finds said Motion should be granted.

IT IS HEREBY ORDERED that the above-captioned case should be, and is, in all things, DISMISSED WITHOUT PREJUDICE.

SIGNED at Houston, Texas, on _____.

Alfred H. Bennett
United States District Judge

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the United States' Motion to Dismiss the Indictment Against Defendant Zahra Badri has been filed electronically through ECF filing and electronically delivered on all defense counsel of record on this 29th day of September 2023.